Notice of Allowability	Application No.	Applicant(s)	
	09/545,381	SPIELMANN ET AL.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *communications received 02/24/2006*.

2. ☒ The allowed claim(s) is/are *1,3-5 and 10-16*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20060224
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

1. The following statement of reasons for allowance is in response to the communications received 02/24/2006. Claims 1 and 16 have been amended and claims 2, 6-9, 17, and 18 have been canceled. Claims 1, 3-5, and 10-16 are currently pending and are allowed.

Reasons for Allowance

2. Claims 1, 3-5, and 10-16 are allowed.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, inter alia:

As per claims 1 and 3-5, receiving a selection of a business risk element and retrieving one or more predetermined control procedures and associated weight(s). Calculating a compliance score for each control procedure based on the associated weights and a user selected compliance rating, where non-fully compliant control procedures are accepted or not accepted, those not accepted requiring a user to generate an action plan.

As per claims 10-13, receiving a selection of a business risk element by which the computer identifies and retrieves associated subrisk elements with one or more predetermined control procedures and associated weight(s). Calculating a compliance score for each subrisk's control procedure based on the associated weights and a user selected compliance rating, where non-fully compliant control procedures of subrisks are accepted or not accepted, those not accepted requiring a user to generate an action plan.

As per claims 14-15, identifying a set of business risk elements, and retrieving one or more predetermined control procedures and associated weight(s) related to at least one business risk element. Based on a user selected compliance rating, identifying compliant and non-fully

compliant control procedures, where action plans with target dates are generated for those non-fully compliant control procedures, and calculating an expected compliance score for a future date based on the weights, the fully compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

As per claim 16, selecting a set of business risk elements and one or more control procedures related to at least one business risk element, the control procedures having associated weight(s). Calculating a compliance score for each control procedure based on the associated weights and a user selected compliance rating, where action plans with target dates are generated for control procedures that are non-fully compliant, and calculating an expected compliance score for a future date based on the weights, the target dates for non-fully compliant control procedures, and the expected compliance ratings of the control procedures.

The prior art references most closely resembling the Applicant's claimed invention are Weinstock (U.S. 6,223,143), Higgins et al. (U.S. 6,397,202), Ibarra (U.S. 6,119,097), and Buddle et al. (U.S. 6,912,502), and Packwood (U.S. 7,006,992).

Weinstock discloses a risk model for a system, where the risk model is built by including a hierarchy, a timeline, and failure modes. Risks are assessed at failure mode, subsystem, and element levels based on user supplied quantifications and a probability of occurrence. However, as per claims 1, 3-5, and 16, Weinstock does not expressly disclose calculating a compliance score for multiple control procedures per se based on the associated weights and a user selected compliance rating, where identified non-fully compliant control procedures are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 10-13, Weinstock does not teach retrieving subrisk elements or calculating a compliance score for each

subrisk's control procedure based on the associated weights and a user selected compliance rating, where non-fully compliant control procedures of subrisks are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 14-15, Weinstock does not teach generating action plans with target dates and calculating an expected compliance score for a future date based on the weights, the fully compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

Higgins et al. teaches a computerized system used to project risk levels that arise during a large development project. A database of the system stores data, weights, baselines, and risk levels. A plurality of variables are determined that relate to the successful completion of the project. A baseline is identified for each of these variables that will cause successful completion of the project. Data is collected concerning each variable and associated baseline, wherein the stored data, risk levels, and the weights are used to project and predict the occurrence of undesirable events. However, as per claims 1, 3-5, and 16, Higgins et al. does not expressly disclose calculating a compliance score for multiple control procedures per se based on the associated weights and a user selected compliance rating, where identified non-fully compliant control procedures are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 10-13, Higgins et al. does not teach retrieving subrisk elements or calculating a compliance score for each subrisk's control procedure based on the associated weights and a user selected compliance rating, where non-fully compliant control procedures of subrisks are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 14-15, Higgins et al. does not teach generating action plans with target dates and calculating an expected compliance score for a future date based on the weights, the fully

compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

Ibarra discloses a system that quantifies job performance characteristics. Each employee is assigned multiple objective standard procedures on which the employee is rated, these procedures indicating a risk of employee turnover and failure. Each standard is weighted to reflect its importance. An overall score is generated for the employee based on the ratings per standard and the weights. If a standard is not being met, new activities (or plans) are assigned to the employee to enable the employee to meet the standards. However, as per claims 1, 3-5, and 16, Ibarra does not expressly disclose teach risk elements per se, calculating a compliance score for multiple control procedures per se based on the associated weights (wherein the weights are not all equally weighted) and a user selected compliance rating, where identified non-fully compliant control procedures are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 10-13, Ibarra does not teach retrieving subrisk elements or calculating a compliance score for each subrisk's control procedure based on the associated weights (wherein the weights are not all equally weighted) and a user selected compliance rating, where non-fully compliant control procedures of subrisks are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 14-15, Ibarra does not teach generating action plans with target dates and calculating an expected compliance score for a future date based on the weights, the fully compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

Buddle et al. teaches a compliance management system, wherein compliance requirements are identified for business processes along with compliance issues and risks. Based

on the issues and risks, action plans are created and forwarded for monitoring and resolution. Each potential risk is weighted to indicate the relative severity and magnitude of the risk. The results of the action plan are then reviewed to see if compliance requirements are now met. However, as per claims 1, 3-5, and 16, Buddle et al. does not expressly disclose calculating a compliance score for multiple control procedures per se based on the associated weights and a user selected compliance rating, where identified non-fully compliant control procedures are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 10-13, Buddle et al. does not teach retrieving subrisk elements or calculating a compliance score for each subrisk's control procedure based on the associated weights and a user selected compliance rating, where non-fully compliant control procedures of subrisks are accepted or not accepted, those not accepted requiring a user to generate an action plan. As per claims 14-15, Buddle et al. does not teach generating action plans with target dates and calculating an expected compliance score for a future date based on the weights, the fully compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

Packwood discloses identifying and analyzing predetermined risk factors associated with the operation of a business, evaluating each risk factor to determine risk level values for each risk factor, and generating a risk management report. Management personnel set criteria for risk factors determined to be important to business operations. Three levels of risk values are utilized and selected for each risk factor-danger, caution, and normal. Each factor is also assigned a temporal value and a tolerance value. After the risk factors have been determined and their risk level ranges and tolerances have been selected, the system provides measurements of existing

risk as compared by weightings of risk factors. A report is generated which includes action plans for risk factors that are outside the normal range. However, as per claims 1, 3-5, and 16, Packwood does not expressly disclose control procedures per se associated with risk factors, wherein the control procedures are weighted using weights retrieved from a database and wherein the compliance score is a function of these weights and a rating of the control procedures. Packwood more specifically rates and weights risk factors. As per claims 10-13, Packwood does not teach retrieving subrisk elements per se with one or more predetermined control procedures and associated weights, wherein a compliance score is calculated for each subrisk's control procedure based on the associated weights and a user selected compliance rating. As per claims 14-15, Packwood does not teach retrieving one or more predetermined control procedures and associated weight(s) or generating action plans with target dates and calculating an expected compliance score for a future date based on the weights, the fully compliant control procedures, and the target dates for the action plans of the non-fully compliant control procedures.

4. Any comments considered necessary by the Applicant must be submitted by no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carman et al. (WO 99/05598) discloses compliance testing software and using rules of the business to identify risky values.

Beale et al. (WO 98/59307) teaches storing and maintaining compliance rules.

Irving et al. (U.S. 5,991,743) discloses monitoring risk exposure and storing risk data in a database.

Fetherston (U.S. 2002/0120642) discloses organizational compliance management.

Sturgeon et al. (U.S. 5,726,884) discloses a regulatory compliance system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
March 15, 2006

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